

# EXHIBIT O

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IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

ALPHA PHI ALPHA FRATERNITY,  
INC., a nonprofit organization  
on behalf of members residing  
in Georgia, et al.,

Plaintiffs,

CASE NO.

1:21-CV-05337-SCJ

vs.

BRAD RAFFENSPERGER, in his  
official capacity as Secretary  
of State of Georgia,

Defendant.

VIDEOTAPED DEPOSITION OF JOHN R. ALFORD, Ph.D.  
APPEARING REMOTE FROM  
ATLANTA, GEORGIA

FEBRUARY 27, 2023  
10:01 A.M. EASTERN

Reported By:  
Judith L. Leitz Moran  
RPR, RSA, CCR-B-2312  
APPEARING REMOTELY

1 sense of causation is, it's not my area.

2 But as -- but as an empirical matter, you  
3 know, these are correlational studies, no where  
4 close to being -- to being actual studies of  
5 causation. There's no experimental design, there's  
6 no control, there's no manipulation of independent  
7 variables.

8 So we're not going to establish causation  
9 here ever.

10 Q So I just want to make sure I understand  
11 this.

12 So when evaluating voter behavior it's  
13 not possible to establish the cause of that voter  
14 behavior in your opinion?

15 MR. JACOUTOT: Object to form.

16 A It is possible. It's just not possible  
17 with the -- with the data and methods that we --  
18 that we have at hand.

19 So we're dealing with -- not just with  
20 correlational analysis, but with correlational  
21 analysis at an aggregate level.

22 So at a minimum we need to be at the  
23 individual level, which we're not; and then at the  
24 individual level we would have to be able to  
25 exercise -- we certainly could do better with maybe

1 case turns on how to characterize the results of  
2 her statistical analysis?

3 A Yes, largely on how to characterize the  
4 results.

5 Q Okay. So let's see if we can start by  
6 finding some common ground and narrowing out some  
7 of the things that are in dispute.

8 So do you agree with Dr. Handley that  
9 Black voters in the areas of Georgia that she  
10 analyzed vote cohesively in general elections for  
11 state-wide offices?

12 A Yes.

13 Q Okay. And do you agree with Dr. Handley  
14 that white voters in the areas of Georgia she  
15 analyzed vote cohesively in general elections for  
16 state-wide offices?

17 A That's mostly true. I think there's some  
18 areas where they're -- where they're not voting  
19 cohesively, but -- but generally that's true.

20 Q Okay. And so the pattern of white voter  
21 behavior across Georgia in the areas that she's  
22 looking at is generally one of cohesion?

23 A Correct.

24 Q Okay. And would you say that there's a  
25 very high level of cohesion among Black voters in

1 the areas of Georgia that Dr. Handley looked at?

2 A Yes.

3 Q Okay. And with small exception, would  
4 you say that there is a very high level of cohesion  
5 among white voters in the areas of Georgia that  
6 Dr. Handley looked at?

7 A Yes. And again, that -- that varies a  
8 little bit because in some of the areas you've got  
9 a higher proportion of white Democratic voters in  
10 the areas that are heavily -- more heavily  
11 Democratic.

12 But generally speaking, for most of that  
13 analysis, the level of cohesion among white voters  
14 is -- is high, yes.

15 Q Okay. And again, speaking in the general  
16 elections for state-wide offices that Dr. Handley  
17 analyzed, did white and Black voters support  
18 different candidates?

19 A Yes.

20 Q Okay. And fair to say that large  
21 majorities of Black and white voters supported  
22 different candidates?

23 A That's generally the case, yes.

24 Q Okay. So she also analyzed state  
25 legislative elections in seven areas of Georgia,

1 right?

2 A Correct.

3 Q Okay. And were Dr. Handley's estimates  
4 of Black and white voter behavior in state  
5 legislative elections generally consistent with her  
6 estimates of voter behavior for state-wide general  
7 elections?

8 A Yes.

9 Q Okay. And so, they show the same pattern  
10 of extremely cohesive Black support for a single  
11 candidate, right?

12 A Correct.

13 Q And they show with minor area exceptions  
14 overwhelmingly cohesive white support for a single  
15 candidate, right?

16 A Based on -- unless you're overwhelmingly  
17 cohesive means, but I mean --

18 Q Very high. Let me rephrase that  
19 question.

20 A -- clearly -- so I think by any  
21 definition of cohesion, they show cohesive white  
22 support for a different candidate than the one that  
23 you have the very cohesive Black support for.

24 So it's -- it is slightly less cohesive,  
25 but I felt -- I still think it's in a range that --

1 that anybody would label as clearly cohesive.

2 Q Okay. So in the state legislative  
3 elections, Black and white voters are voting  
4 cohesively, right?

5 A Correct.

6 Q And they're voting for different  
7 candidates, right?

8 A Correct.

9 Q Okay. And looking at the state  
10 legislative elections that Dr. Handley analyzed,  
11 did the -- the candidate preferred by the majority  
12 of white voters generally win state legislative  
13 elections in districts without a majority of Black  
14 voting age population?

15 A I -- that, I'm not sure. Her analysis  
16 shows what it shows, but that's not an issue. I  
17 was not focused on the performance issue. So that  
18 may well be the case but I don't know.

19 Q Okay. Well, so if we took a look at --  
20 okay. So let's take a look at -- sorry, one  
21 second. Yeah, let's go to Appendix B in her  
22 report.

23 A Appendix? I'm sorry, which appendix?

24 Q Appendix B.

25 A B?

1 Q -- area?

2 Sorry.

3 A Sorry, that was my fault.

4 Q No, no, go ahead.

5 A But the answer is, yes, they are  
6 supporting different --

7 MR. JACOUTOT: I'm going to object to  
8 form for that. Sorry, I'm a little late but...

9 MR. MILLER: Okay. Let me -- let me  
10 reask it. I may draw the same objection.

11 MR. JACOUTOT: Okay.

12 BY MR. MILLER:

13 Q But in -- in Appendix A2, are Black  
14 voters and white voters cohesively supporting  
15 different candidates?

16 MR. JACOUTOT: Object to form.

17 A Okay. So, yes, here I think, again, by  
18 any reasonable definition these are -- both cases  
19 are mostly above 90 percent. They're supporting  
20 different candidates, they're supporting them  
21 cohesively, and as a consequence the voting is  
22 polarized.

23 BY MR. MILLER:

24 Q Okay. And would you say that the -- how  
25 would you describe the degree of polarization in



1 the elections in Appendix A2?

2 MR. JACOUTOT: Object to form.

3 A I'd describe it as polarized.

4 BY MR. MILLER:

5 Q Would you say that it is starkly  
6 polarized in Appendix A2?

7 MR. JACOUTOT: Object to form.

8 A I -- I mean, I don't know. I -- it's --  
9 again, the numbers speak for themselves. It's -- I  
10 think it's clearly -- this is clear polarization.

11 This is what polarization looks like  
12 when, you know, 90 percent of a group -- one group  
13 goes one way and 90 percent goes the other.

14 This is what polarization looks like in  
15 Congress when 90 percent of the Republicans vote  
16 one way and 90 percent of the Democrats vote the  
17 other.

18 It's not perfectly polarized or as  
19 sometimes as you know from reporting on Congress  
20 if -- if 12 percent of the Republicans in Congress  
21 crossed over to vote with the Democrats, some  
22 people would label that a bipartisan piece of  
23 legislation because it actually drew more than one  
24 person from the other side. So there is  
25 polarization worse than this and we've seen it.

1 the general election analysis reveals, not cohesive  
2 Black voter support for Black candidates and white  
3 voter support for white candidates."

4 Right?

5 A Right.

6 Q Okay. So could you just explain what the  
7 basis is for your opinion that voter support  
8 candidates on the basis of party affiliation rather  
9 than on the basis of race?

10 A Well -- well, that's not the conclusion  
11 you just read. I don't think that's in there.

12 Q So how is the conclusion that I just read  
13 different from a conclusion that voter support  
14 candidates on the basis of party affiliation rather  
15 than race?

16 A Well, this -- so this is just describing  
17 two potential queues for voters. The party queue  
18 that's on the -- both widely known and on the  
19 ballot. And the racial queue that presumably  
20 people recognize in regard to candidates. So those  
21 two queues are available.

22 And then the question is what this  
23 analysis shows in response to that. It's --  
24 there's no -- this is not an analysis of the  
25 partisanship of the voters or -- or what the role

1 voting.

2 Q And so we earlier talked about how a  
3 party label can be a confounding variable in your  
4 opinion in general elections. Do primaries  
5 eliminate that confounding variable when addressing  
6 voter behavior?

7 A Yes. And again, there -- it's no longer  
8 confounded because while it is true that all of the  
9 Black candidates in these primaries are -- are  
10 running as Democrats, so are all the white  
11 candidates in the primaries.

12 And so, it is no longer the case that --  
13 that Black and Democrat go together, and therefore,  
14 make it hard to separate it. The party label is  
15 consistent across everyone.

16 And so what's varying from candidate to  
17 candidate are a whole series of factors, one of  
18 which is the race of the candidate.

19 And it's now not perfectly confounded by  
20 the party of the candidate, so, yes, you eliminated  
21 the confounding factor.

22 Q Okay. So we're able to isolate the queue  
23 provided by the race of the candidate when we look  
24 at parties; is that fair to say?

25 A We're able to -- I wouldn't say you're

1 MR. JACOUTOT: Object to form.

2 A I guess -- you know, it's -- it's very  
3 difficult to say that something is impossible. But  
4 I guess -- I hesitate to say it's impossible, but I  
5 would say if -- if that were the fact pattern, I --  
6 I think it would presume extremely difficult fact  
7 pattern for -- for -- for making any sort of  
8 judgment under Section 2 of the Voting Rights Act.

9 I mean, what -- so this is jurisdiction  
10 where in the -- in -- in the primaries white and  
11 Black voters don't care about the race of their  
12 candidates.

13 In the Republican primary, the  
14 Republicans don't care, Black, white, doesn't make  
15 any difference. Democratic primary, they don't  
16 care one way or the other. Makes no difference at  
17 all.

18 And then when they -- when it gets into  
19 the general election suddenly they care deeply  
20 about and suddenly race is a powerful factor that  
21 -- that seems extremely odd.

22 And -- and one of the things I think  
23 that's important and that the -- one of the reasons  
24 the court likes to see elections over a period of  
25 time, not just a single election, is the idea that

1 this is not just some momentary issue but, rather,  
2 is a sustained issue that absent the intervention  
3 of the court is going to continue to prevent  
4 minorities from being able to elect candidates of  
5 choice.

6 And so if this -- if this prejudice in  
7 the electorate is one that switches off and on  
8 within a single election year, in that fashion -- I  
9 mean, I -- it's hard to see what -- I can't quite  
10 understand what that would be exactly.

11 But I just -- that seems like you set a  
12 -- that's a very uphill battle, I think, for  
13 establishing that.

14 I mean, the only way that seems likely to  
15 me is if voters in the general election continue  
16 not to care about the race or candidates or they've  
17 already shown they don't care and just vote on the  
18 basis of the party of the candidates.

19 I can't imagine that in the general, that  
20 suddenly voters that had -- I mean, the argument  
21 would be so the Republicans have just nominated a  
22 Black candidate, but they refuse to vote for Black  
23 candidates in the general election.

24 I guess it's possible, but that's a very  
25 self-defeating kind of behavior, isn't it? It's

1 people have an actual partisan identification in  
2 the United States.

3 Q And all of those degrees of support could  
4 be influenced by a number of factors, right?

5 A Yes.

6 Q And we talked earlier about how race is  
7 one of the reasons that a person might express some  
8 degree of support for a political party, right?

9 A Yes.

10 Q Okay. And so, similarly, race could be a  
11 reason for participation in one political party's  
12 primary, right?

13 MR. JACOUTOT: Object to form.

14 A I think it could be.

15 BY MR. MILLER:

16 Q And then does the absence of racially  
17 polarized voting in a primary tell us why the  
18 voters who voted in that primary chose to vote in  
19 that primary?

20 A The inquiry into why people choose to  
21 vote in a primary is a -- is a large and  
22 multifaceted inquiry, so I wouldn't think any one  
23 thing would tell you the answer to that question.

24 So I -- I would say among a whole lot of  
25 other things that doesn't tell you the reason why